

JIM & SHARON HELMERICKS
GLACIER GRAVEL PRODUCTS
995 County Road 3, Durango, Colorado 81301

November 20, 2015

Mr. Lucas West, Environmental Protection Specialist
Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

SUBJECT: M1985-001 J & J Pit

Dear Lucas,

I have read your response to Nathan Barton's Corrective Action Report, and I can see that you were missing a lot of pertinent information about the history of this property that led you to some faulty conclusions. I apologize to you and Nathan for not giving you both a more complete history of previous activity on our property as you attempted to arrive at a correct Affected Land area.

I bought the two adjacent properties (the East 1/2 & the west 1/2) on 21 April, 1983. The legal description in my permit is The E 1/2 W 1/2 SW1/4 Sec 33 T341/2N R9W of the M.M.P.M. which is on the East 1/2 of our property which lies in La Plata County where the J & J Pit is situated, and the West 1/2 lies in the City of Durango where the scale and multiple business activities take place. I immediately started improving existing roads and developed the gravel pit for the road improvements and our needs *on the property*. All materials from what you have labeled Area 1 was used by us on our own property (over 1.5 miles of roads and pads). The west 1/2 of our property lies in the city along Highway 3. We saw this as commercial frontage. The East 1/2 lay outside the city limits, and was where we intended to live at the South end and mine gravel on the North end. We now have 4 homes, several businesses and many other uses on the South end of the East 1/2, and the gravel pit on the North end of the East 1/2. ✓

Not being aware of Colorado Mined Land Reclamation regulations regarding gravel pits, I started developing the gravel pit in April 1983. In the late fall of 1984 I was contacted by the Colorado Mined Land Reclamation Division about my need to comply with the state's rules and regulations, if I intended to market gravel, and I subsequently went through the permitting process, and in 1985 I received permit M-85-001 which we have maintained since.

When Nathan drafted his corrective action report he excluded Area 1 because this material was used on our property for roads and development, and multiple uses take place on it as well. Area 1 lies in the City of Durango on a separate piece of property (parcel) from the pit property. While I own this property adjacent to the permitted area, no mining takes place on the parcel within the city, and is used for continuing multiple uses. This area should not be included in the Affected Lands as this was part of an approved plan, that the area now complies with, and all the materials were used off the pit site for my property development, which was allowed, and preceded the permitting process. This is a separate lot and is not part of the pit property.

We freely commit to NOT advance the north highwall any closer to the LPEA power line, as you require in your latest letter. The LPEA power line is outside the Permit boundary of M1985-001 and any and all activity along the north side of the property and permit (where the line is) will not encroach on their easement or in any way endanger their poles, with a 8 foot offset from the poles being preserved. The North Highwall will be reclaimed as approved in the permit, but no further advance toward the LPEA easement on the North highwall will take place.

When we reestablished the corners of the permit a month ago it took into account all the afore mentioned facts, and no mining has occurred outside of these boundaries during our 30 plus years of activity on the property.

It is our intention to get Crossfire back into the pit as soon as possible, so would it be possible to allow them to work in the center of the permit, away from the boundary, until this approval is achieved? The boundaries are in place, and the center area is large enough to avoid any boundary issue. To ensure that there is no problem, we will not have any mining activities, including excavation, within 30 feet of the East and South boundaries (your Segments 1 and 2), or southwest of the roads in the Southwest corner of the permit area, until we have all agreed to the resolution of our problems. This reduces the area to 8.85 acres, or with the 0.98 acres in dispute, to a total of 9.83 acres. We will put markers up to ensure that neither we nor Crossfire go past those temporary lines.

Lucas, Thank you for your help and understanding, and again I apologize for not getting all these facts to you earlier.

Sincerely,

Jim Helmericks
M85-001

Jim Helmericks

MAP SHOWING THE 30 FOOT OFFSET ON THE SOUTH AND EAST AND THE SW CORNER

